

APPENDIX A

Family Code Section 15000 et seq.: The Family Law Information Center Act

Family Law Information Center Act

15000. (a) The Legislature finds and declares the following:

(1) A growing number of family law litigants are unrepresented in family law proceedings, and the primary reason for the lack of representation in these matters is their inability to afford legal assistance.

(2) The failure to have access to legal resources prevents low-income litigants from fully understanding their rights and remedies in family law proceedings, thereby restricting their access to justice.

(3) There is a compelling state interest in ensuring that all family law litigants better understand court procedures and requirements and all litigants have more meaningful access to family court.

(4) It is the public policy of this state to maximize the opportunity for low-income persons to receive fair and just treatment by the family court and to decrease inequities resulting from an unrepresented party's limited legal skills and knowledge.

(b) It is the intent of the Legislature to create information centers to help all low-income family law litigants better understand their obligations, rights, and remedies and to provide procedural information to enable them to better understand and maneuver through the family court system.

15010. (a) (1) It is the intent of the Legislature in enacting this section to establish a pilot project to be administered by the Judicial Council for the purpose of providing information to unrepresented low-income family law litigants.

(2) It is the intent of the Legislature, in creating this pilot project, to determine the most effective service delivery model to provide family law information and services to unrepresented litigants.

(3) It is the intent of the Legislature that all family law services available to litigants in the superior court of each county strive to adopt policies to most effectively coordinate their activities to ensure ease of access to unrepresented litigants and to avoid unnecessary duplication of services and administrative oversight by the Judicial Council or other oversight agencies.

(b) (1) The pilot project shall consist of three pilot project courts that shall be selected by the Judicial Council from those courts that apply to participate in the pilot project. No court shall be required to apply for the project.

(2) The pilot project courts shall establish a family law information center located in the superior court, that shall be supervised by an active member of the State Bar in good standing.

(3) In superior courts with a family law facilitator, the pilot project shall coordinate its services with the services of the family law facilitator, and in at least one pilot project court, the family law facilitator shall staff and provide the services of the family law information center.

(4) In selecting the pilot project courts, the Judicial Council shall give priority to courts in counties that the Judicial Council determines are most underserved.

(5) The pilot project courts shall determine the composition and number of additional staff necessary to provide the services mandated by this section.

(c) The family law information center shall provide, to unrepresented low-income litigants, information and services, including, but not limited to, the following:

(1) Information as to the nature of various types of relief available through the family court, including restraining orders, marital dissolution or legal separation, paternity, child or spousal support, disposition of property, and child custody and visitation, and the method to seek that relief.

(2) Information as to the pleadings necessary to be filed for relief and instructions on the proper completion of those pleadings, including information as to the importance of the information called for by the pleadings.

(3) Information concerning the requirements for proper service of court papers.

(4) Assistance in preparing orders after court proceedings consistent with the court's announced orders.

(5) Information concerning methods of enforcing court orders in family law proceedings.

(6) The family law information center shall maintain a directory of community resources, including, but not limited to, low-cost legal assistance, counseling, domestic violence shelters, parenting education, mental health services, and job placement programs.

(7) The family law information center shall encourage parties to seek legal advice and assistance from an independent attorney.

(d) For purposes of this division, "low-income" shall mean individuals whose net monthly income, after deduction of mandatory court ordered payments, is 200 percent or less of the current monthly poverty line annually established by the Secretary of Health and Human Services pursuant to the Omnibus Budget Reconciliation Act of 1981, as amended. Family law litigants, prior to receiving the services of the family law information center, shall be required to sign a declaration attesting to their financial eligibility to

receive those services. No other efforts to verify financial eligibility shall be necessary.

(e) The family law information center shall provide interpreter services, to the extent available in the pilot project courts, and allow the use of translators to facilitate the services provided pursuant to subdivision (c).

(f) The Judicial Council shall promulgate guidelines for the operation of the family law information center in accordance with the Rules of Professional Conduct.

(g) The family law information center shall not represent any party. No attorney-client relationship is created between a party and the family law information center as a result of any information or services provided to the party by the family law information center pursuant to subdivision (c). The family law information center shall give conspicuous notice that no attorney-client relationship exists between the center, its staff, and the family law litigant. The notice shall include the advice that the absence of an attorney-client relationship means that communications between the party and the family law information center are not privileged, and that the family law information center may provide services to the other party.

(h) A person employed by, or directly supervised by, an employee of the family law information center shall not make any public comment about a pending or impending proceeding in the court as provided by paragraph (9) of subdivision (B) of Canon 3 of the Code of Judicial Ethics. All persons employed by, or directly supervised by, an employee of the family law information center shall be provided a copy of paragraph (9) of subdivision (B) of Canon 3 of the Code of Judicial Ethics, and shall be required to sign an acknowledgment that he or she is aware of its provisions.

(i) The Judicial Council shall create any necessary forms to advise the parties of the types of services provided, that there is no attorney-client relationship, that the family law information center is not responsible for the outcome of any case, that the family law information center does not represent any party and will not appear in court on the party's behalf, and that the other party may also be receiving information and services from the family law information center.

(j) A pilot project court may contract with a private nonprofit entity to staff and provide the services of the family law information center; however, the family law information center must be located, and the services provided, in the superior court.

(k) The Judicial Council shall conduct an evaluation of the pilot project and shall report to the Legislature, no later than March 1, 2003, on the success of the pilot project. The evaluation shall include outcome measures that address increased access to the courts

for low-income litigants and any reduced burden on the courts by having the services of the family law information center available. The evaluation shall include an assessment of the number of people using the services of the family law information center, categorized by gender and by type of information sought, including information regarding marital dissolution, paternity, or domestic violence prevention proceedings, or relating to child custody, visitation, child support, or spousal support. The evaluation shall also assess the frequency with which people seek information from the family law information center to initiate an action or to respond to an action. The pilot project shall be deemed a success if, among other things, the pilot project court assists at least 100 low-income family law litigants in each year of its operation, a majority of the judges surveyed in the pilot project court believe the family law information center helps to expedite family law cases with pro per litigants, and a majority of the persons using the family law information center evaluate the services of the family law information center favorably.

15012. This division shall remain in effect only until January 1, 2004, and as of that date is repealed, unless a later enacted statute deletes or extends that date.